

## Applicant Initiated Interview Request Form

Application No.: 10/542,208 First Named Applicant: Massimo Buscema  
 Examiner: Peter D. Coughlan Art Unit: 2129 Status of Application: Pending

### Tentative Participants:

(1) Peter D. Coughlan, Examiner (2) Franco A. Serafini, Attorney for Applicant  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 21 August 2009 Proposed Time: 11:00 AM EST AM/PM

### Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

| Issues<br>(Rej., Obj., etc) | Claims/<br>Fig. #s | Prior<br>Art | Discussed                | Agreed                   | Not Agreed               |
|-----------------------------|--------------------|--------------|--------------------------|--------------------------|--------------------------|
| (1) <u>35 USC 112</u>       | <u>All</u>         | _____        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) <u>35 USC 101</u>       | <u>All</u>         | _____        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) <u>35 USC 103(a)</u>    | <u>Unclear</u>     | _____        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____                   | _____              | _____        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Continuation Sheet Attached

### Brief Description of Argument to be Presented:

The Office Action of 06/17/2009 contains arguments that appear unsupported in law. Applicant's remarks in the Response filed on April 21, 2009 are defined unpersuasive, yet no rebuttals are found in the Office Action that discuss Applicant's arguments of law and fact with specificity. Copies of the Biski and Phillips cases are enclosed.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).**

**This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.**

/Franco A. Serafini/

\_\_\_\_\_  
 Applicant/Applicant's Representative Signature  
 Franco A. Serafini (signing for the Interview Request)  
 Typed/Printed Name of Applicant or Representative  
 52,207

Registration Number, if applicable

\_\_\_\_\_  
 Examiner/SPE Signature

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.